

Applicant responds to the July 15, 2003 non-final office action in this application as follows:

1. Claim 1 has been amended to a claim scope which page 3 of the office action states is a claim scope which is an enabled claim scope: a method for treating hypocalcemia using a botulinum toxin directly administered to a sympathetic ganglion. Claim 4 has been cancelled. Claims 6 is dependant upon claim 1. Thus, the section 112(1) rejection of claim 6 should be withdrawn.

Use of the word "direct" in claim 1 is supported by at least page 21, line 12 of the specification and by page 23, line 12 of the specification.

Additionally, use of the phrase "a sympathetic ganglion which innervates the thyroid" in claim 1 is supported by at least original claim 4.

2. Claim 6 has been amended by deleting the word "about". Additionally, claim 6 has been amended to clarify that "U/kg" means "U/kg of patient weight". This amendment to claim 6 is supported by at least page 27, line 28 of the specification. Hence the 112(1) rejection of claim 1 and 6-10 should be withdrawn.

3. Brzezinski discusses administration of a particular dopamine or bromobenzylamine to the thyroid. Brzezinski does not disclose, teach or suggest use of a botulinum toxin.

Bishop discusses use of a pertussis toxin. Bishop does not disclose, teach or suggest any use of a botulinum toxin.


Thus, the claims, as amended are not anticipated by either Brzezinski or Biglan, and the 102(b) rejection of claims 1 and 6 should therefore be withdrawn.

4. Regarding the six (claims 1-4 and 6-12 and 19-20 were rejected in the office action twice over the same U.S. patent 6,524,580, and the same claims were rejected twice in the office action over application serial number 09/706211) obviousness-type double patenting rejections, six terminal disclaimers are enclosed. Hence all of these rejections should be withdrawn.

5. Applicant hereby cancels claims 4 and 8 without prejudice to further prosecution at a later date.

All issues raised by the Office Action have been addressed. Reexamination, reconsideration and allowance of claims 1, 6-7, 9-12 and 19-20 is requested.

Respectfully submitted,

  
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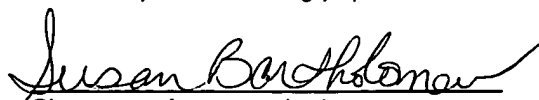
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CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date October 22, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EV295682449US addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Susan Bartholomew  
Name of person mailing paper

  
Signature of person signing paper

Date: October 22, 2003